

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:23-cv-00114-MR-WCM**

**JOANNA BLONDEAU, individually
and on behalf of all others similarly
situated,**

Plaintiff,

vs.

MEDSTREAM ANESTHESIA, PLLC,

Defendant.

ORDER

THIS MATTER is before the Court for approval of the parties' Joint Proposed Notice and Consent Form [Doc. 33].

On March 18, 2024, the Court entered an Order conditionally certifying a collective action for Plaintiff's FLSA claims pursuant to 29 U.S.C. § 216(b). [See Doc. 31]. At that time, the Court ordered the parties to meet and confer and to submit either a mutually agreeable notice, or separate notices specifically addressing the issues that they were unable to resolve, within fourteen days of the entry of the Court's Order. [Id. at 20]. The parties have now jointly filed a proposed notice and a consent form for review. [See Doc. 33].

“If a court decides to conditionally certify a collective action, the FLSA favors ‘court-controlled notice . . . to potential putative plaintiffs’ as opposed to ‘unregulated solicitation efforts to secure joinder by those individuals.’” Goldston v. Ariel Cmty. Care, LLC, No. 21-CV-615, 2022 WL 1289673, at *5 (M.D.N.C. Apr. 29, 2022) (quoting Adams v. Citicorp Credit Servs., Inc., 93 F. Supp. 3d 441, 456 (M.D.N.C. 2015)). “Courts thus possess ‘managerial responsibility to oversee the joinder of additional parties to assure that the task is accomplished in an efficient and proper way.’” Id. (quoting Adams, 93 F. Supp. 3d at 456). “A court-controlled notice should neutrally and accurately advise potential members of the collective action of their right to opt in without suggesting endorsement of a plaintiff’s claim.” Id.

Having reviewed the parties’ joint proposed notice and their consent form, the Court concludes that these documents neutrally and accurately advise potential opt-in plaintiffs of their right to join this action, and that they do not imply that the Court has endorsed the merits of Plaintiff’s claims.

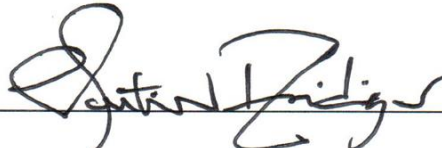
IT IS, THEREFORE, ORDERED that the parties’ Joint Proposed Notice and Consent Form [Doc. 33] are hereby **APPROVED**.¹

¹ The parties have indicated with highlighting that the amended collective definition, the date certain of the opt-in deadline, and the URL of the website that potential opt-in plaintiffs will be able to use for submitting their consent forms electronically will be added before the proposed notice is sent. [See Doc. 33-1 at 2-3]. The Court expressly approves this updating.

IT IS FURTHER ORDERED that the parties' Joint Proposed Notice and Consent Form may be immediately issued to the potential opt-in plaintiffs.

IT IS SO ORDERED.

Signed: April 4, 2024



Martin Reidinger
Chief United States District Judge

